IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 15068 of 2004

Between:

S. Narsing Rao, S/o. S. Yadilal,
Polite School (Aided), Tadban, Bahudurpura, Hyderabad.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, Rep. by its Secretary,
Education Department, Secretariat, Hyderabad.
2 The Commissioner and Director of School Education, A.P., Hyderabad.
3 The District Educational Officer, Hyderabad District.
4 The Correspondent, Polite School (Aided), Tadban, Bahudurpura,
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not extending the benefit of G.O.Ms.No.330, dated 10-08-1983 read with G.O.Rt.No.644, Education dt. 7-12-2000 and as per judgment in W.P.No.26260 of 2000 dt. 12-09-2003 as illegal, improper, unjust and arbitrary and in clear discrimination and further direct the respondents to extend the same without reference to the cut off date forthwith with all consequential benefits including monetary and seniorityJudgement dated 12-9-2003 in W.P.26260/2000 & batch reported in 2003 (6) ALT 693 (DB).

Counsel for the Petitioner: MR.K.UMAPATHY

Counsel for the Respondent Nos.1 to 4: GP FOR EDUCATION

The Court made the following:

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ORDER:

The petitioner is working as a Grade-II Telugu Pandit. He was appointed as Grade-II Telugu Pandit on 01.08.1988 in the unaided post and he was absorbed into the regular pay scale with effect from 01.11.1989, and since then, he has been working as Grade-II Telugu Pandit.

2. The petitioner submitted that the Government issued G.O.Ms.No.330, Education, dated 10.08.1983, sanctioning Grade-I scale of pay to the Grade-II language pandits working in high schools, upper primary schools, and in the schools of local bodies, by putting a cut off date as 11.03.1982. Questioning the cut off date, for getting the benefit of Grade-I scale as 11.03.1982, one of the language pandits approached the A.P.Administrative Tribunal (for short "Tribunal") in R.P.No.2158 of 1986, and the same was allowed by the Tribunal through the order dated 17.08.1989, setting aside the cut off date, enabling all the language pandits to get the benefit of Grade-I scale from the date of G.O. or from the date of appointment or from the date of respective candidates acquiring Grade-I qualification. The R.P. was disposed of with a direction to the respondents to extend the benefit of G.O.Ms.No.330, dated 10.08.1983 without reference to the cut off date i.e. 11.03.1982, and the respondents have implemented the directions of the Tribunal. In pursuance of those directions of the Tribunal, the 1st respondent also issued a memo dated 22.12.1998, generalizing the Judgment in the above case.

3. The petitioner further contended that some of Grade-II language pandits approached the Tribunal through O.A.603 of 1999 and batch seeking a direction to the respondents to extend the benefit of the G.O.Ms.No.330, dated 10.08.1983 read with G.O.Rt.No.771, dated 26.05.1995 without reference to the cut off date as per the Judgment in R.P.No.2158 of 1986. The Tribunal disposed of the said batch of O.As through the Order dated 21.06.2000 directing the respondents to consider the cases of those applicants for extending the benefit.

4. When the respondents did not implement the said order of the

Tribunal, the applicants approached this Court through W.P.No.16971, 15400 of 1999 and batch for implementation of the orders of the Tribunal. This Court, while disposing of those writ petitions, directed the respondents to implement the orders of the Tribunal. Subsequently, when contempt cases were filed, the 1st respondent implemented the orders passed by the Tribunal by issuing G.O.Rt.No.644, Education (Ser.III) Department, dated 07.12.2000 sanctioning Grade-I scale to all the language pandits who are the petitioners therein from the date of acquiring Grade-I qualification or from the date of appointment, whichever is later.

5. Subsequently, the 1st respondent issued G.O.Ms.No.176, dated 22.12.2000 cancelling G.O.Ms.No.330, dated 10.08.1983, and the 2nd respondent also issued consequential proceedings in RC No.128/G1/98, dated 23.12.2000, giving a clarification that G.O.Ms.No.176 will come into force with prospective effect.

6. Questioning the said G.O., some of Grade-II language pandits filed O.A.377 of 2001 and batch before the Tribunal and the Tribunal dismissed those O.As. Subsequently, through W.P.No.26260 of 2000 and batch, this Court passed orders on 12.09.2003 directing the Government to extend the benefit, by dismissing the writ petition filed by the Government in W.P.No.20605 of 2001. Against the Judgment of this Court in W.P.No.26260 of 2000 and batch, dated 12.09.2003, the respondents filed S.L.P.No.5869-5998 of 2004 and the same was dismissed by the Honourable Supreme Court on 27.07.2004.

7. The petitioner, therefore, being aggrieved by the attitude of the respondents in not extending the benefit of G.O.Ms.No.330, read with G.O.Rt.No.644 and Judgment in W.P.No.26260 of 2000, approached this Court seeking a direction to the respondents to extend the same benefit.

8. The petitioners contended that he passed Grade-I qualifications, therefore, he is entitled to the benefit of G.O.Ms.No.330.

9. In the light of the circumstances explained by the petitioner, the respondents are directed to extend the benefit of G.O.Ms.No.330, dated 10.08.1983, after satisfying that the petitioner acquired qualifications, required for Grade-I Telugu Pandit, and pass appropriate orders within two months from the date of receipt

of a copy of this Order.

10. The Writ Petition is, accordingly, disposed of. No order as to costs.

Note:

Issue CC in two days.

B/o.

dsr/svs

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1. The Secretary, Education Department,

Government of Andhra Pradesh,

Secretariat, Hyderabad.

2. The Commissioner and Director of School Education,

A.P.,Hyderabad

3. The District Educational Officer,

Hyderabad District

4. The Correspondent, Polite School (Aided),

Bahudurpura, Hyderabad

5. Two CCs to the Government Pleader for Education,

High Court Buildings, Hyderabad (OUT)

6. Two CD copies.